

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

MYA MEADOW MASON-BYERS,

Plaintiff,

v.

UKIAH UNIFIED SCHOOL DISTRICT, et
al.,

Defendants.

Case No. 19-cv-08405-RMI

ORDER

Re: Dkt. No. 9

On January 31, 2020, Plaintiff filed a Consent to Magistrate Judge Jurisdiction form (dkt. 9). On the second page of the filing, Plaintiff asks whether an attorney will be assigned to her because she “could use guidance with the filings and basic court process.” *See id.* at 2. In addition, Plaintiff states that due to her rural location she may ask the undersigned for permission to e-file. *Id.* While not technically brought as motions, the court liberally construes Plaintiff’s statements as a request for the appointment of counsel and for permission to e-file.

Generally, there is no constitutional right to counsel in a civil case. *See Lassiter v. Dep’t of Soc. Servs. of Durham Cty., N.C.*, 452 U.S. 18, 101 S.Ct. 2153 (1981). The court may ask counsel to represent an indigent litigant under 28 U.S.C. § 1915 only in “exceptional circumstances,” the determination of which requires an evaluation of both (1) the likelihood of success on the merits, and (2) the ability of the plaintiff to articulate her claims *pro se* in light of the complexity of the legal issues involved. *See id.* at 1525; *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). Both factors must be viewed together before reaching a decision on a request for counsel under § 1915. *See id.*

At this time, the court does not find that exceptional circumstances exist which would

1 warrant seeking volunteer counsel to accept a *pro bono* appointment. Without passing judgment as
2 to the likelihood of success of Plaintiff's claims, the court finds that Plaintiff has been able to
3 articulate her claims adequately considering the complexity of the issues involved. *See Agyeman*
4 *v. Corrs. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). Furthermore, Plaintiff's request is for
5 assistance related to guidance with filings and help with understanding basic court processes. It is
6 likely that Plaintiff could receive assistance in those areas from the Legal Help Center, which is a
7 free service offered by the Justice & Diversity Center of the Bar Association of San Francisco that
8 provides information and limited-scope legal assistance to *pro se* litigants in civil cases. More
9 information about the Center can be found at this website address:

10 <https://www.cand.uscourts.gov/about/court-programs/legal-help-desks/>. In addition, the court
11 would point Plaintiff to the court's Pro Se Handbook, 2020 Edition, which can be found at this
12 website address: <https://www.cand.uscourts.gov/pro-se-litigants/>, along with other helpful
13 information.

14 As to the request for permission to e-file, the court will instruct Plaintiff to make that
15 request formally and will attach the court's sample motion form to the end of this Order.

16 **IT IS SO ORDERED.**

17 Dated: February 3, 2020

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20 ROBERT M. ILLMAN
United States Magistrate Judge
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UNITED STATES DISTRICT COURT
Northern District of California

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